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17 Catherine Page

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20 UNITED STATES DISTRICT COURT
21 FOR THE DISTRICT OF ARIZONA

22
23 Catherine Page,

24 Case No.:

25 Plaintiff,

26
27
28 **COMPLAINT**

29 vs.

30 U.S. Collections West, Inc.,

31
32 **JURY TRIAL DEMANDED**

33 Defendant.

1 Plaintiff, Catherine Page (hereafter “Plaintiff”), by undersigned counsel, brings
2 the following complaint against U.S. Collections West, Inc. (hereafter “Defendant”)
3 and alleges as follows:

5 **JURISDICTION**

6 1. This action arises out of Defendant’s violations of the Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

8 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28
9 U.S.C. § 1331.

10 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
11 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
12 where Defendant transacts business in this district.

13 **PARTIES**

14 4. Plaintiff is an adult individual residing in Phoenix, Arizona, and is a
15 “person” as defined by 47 U.S.C. § 153(39).

16 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

17 6. Defendant is a business entity located in Phoenix, Arizona, and is a
18 “person” as the term is defined by 47 U.S.C. § 153(39).

19 7. Defendant uses instrumentalities of interstate commerce or the mails in a
20 business the principle purpose of which is the collection of debts and/or regularly
21 collects or attempts to collect debts owed or asserted to be owed to another, and is a
22 “debt collector” as defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

3 8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
4 be owed to a creditor other than Defendant.

5 9. Plaintiff's alleged obligation arises from a transaction in which property,
6 services or money was acquired on credit primarily for personal, family or household
7 purposes, is a "debt" as defined by 15 U.S.C. § 1692a(5).
8

13 11. Within the past year, Defendant began calling Plaintiff in an attempt to
14 collect a debt.
15

16 12. During a live conversation that occurred in or around October of 2015,
17 Plaintiff told Defendant that she was going to dispute the alleged debt and that she
18 wasn't responsible for its repayment.
19

20 13. In early November of 2015, Plaintiff mailed a dispute letter to Defendant.

21
22 14. Defendant responded with a verification letter and resumed its collection
23 efforts

24 15. On multiple occasions thereafter, Plaintiff, upon speaking with
25 Defendant, reiterated her position that she was not responsible for the alleged debt and
26 make it clear that no payment would be forthcoming.
27

16. In spite of this, Defendant continued to call with the intent to harass Plaintiff and in an effort to verbally coerce a payment from her.

17. At some point, Defendant threatened Plaintiff with statements such as, “we have expensive lawyers in house”, “we’ll obtain a judgment against you”, “we’ll get a warrant and the police will show up at your door”, and “this is a legal matter and you’ll end up going to jail if you don’t pay this.”

18. In addition, when Plaintiff explained to Defendant that she operated a home business, Defendant suggested that Plaintiff's business was a "scam".

19. Defendant's actions caused Plaintiff a significant amount of frustration, confusion and anxiety.

COUNT I

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15
U.S.C. § 1692, et seq.**

20. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

21. The FDCPA was passed in order to protect consumers from the use of abusive, deceptive and unfair debt collection practices and in order to eliminate such practices.

22. Defendant attempted to collect a debt from Plaintiff and engaged in “communications” as defined by 15 U.S.C. § 1692a(2).

1 23. Defendant engaged in conduct, the natural consequence of which was to
2 harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in
3 violation of 15 U.S.C. § 1692d.
4

5 24. Defendant used obscene or profane language or language the natural
6 consequence of which was to abuse Plaintiff, in violation of 15 U.S.C. § 1692d(2).
7

8 25. Defendant caused Plaintiff's phone to ring or engaged Plaintiff in
9 telephone conversations repeatedly or continuously, with the intent to annoy, abuse
10 and harass Plaintiff, in violation of 15 U.S.C. § 1692d(5).
11

12 26. Defendant used false, deceptive, or misleading representations or means
13 in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.
14

15 27. Defendant represented and/or implied that nonpayment of the alleged
16 debt would result in Plaintiff's arrest or imprisonment, in violation of 15 U.S.C. §
17 1692e(4).
18

19 28. Defendant threatened to take action that could not be legally taken or that
20 Defendant did not intend to take, in violation of 15 U.S.C. § 1692e(5).
21

22 29. Defendant represented or implied that Plaintiff had committed a crime, in
23 violation of 15 U.S.C. § 1692e(7).
24

25 30. Defendant used unfair and unconscionable means to collect a debt, in
26 violation of 15 U.S.C. § 1692f.
27
28

31. The foregoing acts and/or omissions of Defendant constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

32. Plaintiff was harmed and is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
- C. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);
- D. Punitive damages; and
- E. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

DATED: February 12, 2016

TRINETTE G. KENT

By: /s/ Trinette G. Kent
Trinette G. Kent, Esq.
Lemberg Law, LLC
Attorney for Plaintiff, Catherine Page